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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,062

01/22/2004

Eric Roberjot

979-050

3723

7590

09/13/2004

SOFER & HAROUN, LLP
317 Madison Avenue, Suite 910
New York, NY 10017

EXAMINER

THOMPSON, JEWEL VERGIE

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/763,062	Applicant(s) ROBERJOT ET AL.	
	Examiner Jewel V Thompson	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Buse (4,545,585).

Regarding claim 1, Buse teaches a seal (31) adapted to be mounted in a groove around an orifice of a measuring chamber inserted in an insertion direction into a tank to form a fluid meter, the seal comprising: a radially elastic torus (col. 1, lines 52-col. 2, lines 1 and 2) having a shape corresponding to that of the orifice (fig. 2); and an arrangement (col. 2, lines 3-5) on at least one of its sides substantially parallel to the insertion direction for immobilizing it in a direction opposite the insertion direction (fig. 2).

Regarding claim 2, Buse teaches the immobilizing arrangement further comprises at least one seal section (49) substantially perpendicular to the insertion direction (col. 2, lines 10-12).

Regarding claim 3, Buse teaches the immobilizing arrangement further comprises at least one U-shaped seal section fastened to the seal at both ends (fig. 2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buse in view of Wolfl et al (5,346,379).

Regarding claim 4, Buse teaches a seal (31), However, Buse fails to teach a fluid meter having a measuring chamber; the fluid meter comprising: at least one orifice; mounted in a groove around the orifice having two walls integral with the measuring chamber or the tank, in which fluid meter the immobilizing arrangement is nested in at least one opening in one of the walls of the groove. Wolfl et al teaches a fluid meter having a measuring chamber (1) having an orifice (fig. 6). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have used the flow chamber of Wolfl et al in the apparatus of Buse for the purpose of measuring a wall thickness of a plastic tubing while having the attachments of Buse to be lined up with the grooves of Wolfl et al for the purpose securing the seal as to prevent leakage.

Regarding claim 5, Bose teaches the immobilizing arrangement further comprises at least one seal section substantially perpendicular to the insertion direction and nested in the opening (col. 2, lines 10-12).

Regarding claim 6, Bose teaches the immobilizing arrangement comprises at least one U-shaped seal section fastened to the seal at both ends and nested in the two openings (fig. 2).

Regarding claim 7, Buse fails to teach the groove is on an exterior wall of the measuring chamber. Wolfl et al teaches grooves (27) on the exterior wall of the chamber (fig. 4). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to have placed the chamber having the grooves of Wolfl et al on the apparatus of Buse for the purpose of providing a connection for the seal.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,781,312 Strazdins teaches a liquid dispenser comprising a seal

6,657,718 Petersen et al teaches a measuring cell for liquids comprising a chamber and a cell


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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jewel V Thompson whose telephone number is 571-272-2189. The examiner can normally be reached on 7-4:30, off alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jvt
September 9, 2004


EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800